

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-20094-10

Hon. Matthew F. Leitman

v.

D10, VERDELL KENNEDY,

Defendant.

/

**ORDER DIRECTING DEFENDANT TO SUPPLEMENT HIS MOTION  
FOR COMPASSIONATE RELEASE (ECF No. 317)**

Defendant Verdell Kennedy is a federal prisoner. On October 25, 2021, Kennedy filed an emergency motion for compassionate release from custody pursuant to 18 U.S.C. § 3582(c)(1)(A).<sup>1</sup> (*See* Mot., ECF No. 317.) In his motion, Kennedy seeks release based on an alleged COVID-19 outbreak at the prison where he is currently incarcerated (FCI Hazelton).

As the United States Court of Appeals for the Sixth Circuit recently recognized, “when [a prisoner] has access to the COVID-19 vaccine,” the prisoner’s potential exposure to the virus while in custody “does not present an extraordinary and compelling reason warranting” release. *United States v. Lemons*, --- F.4th ---,

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<sup>1</sup> The Court has previously denied Kennedy compassionate release on several occasions. (See Orders, ECF Nos. 289, 297, and 315.)

2021 WL 4699249, at \*3 (6th Cir. Oct. 8, 2021). Thus, in order to fully evaluate Kennedy's motion, the Court requires additional information from him. The Court therefore **DIRECTS** Kennedy, by no later than **December 17, 2021**, to file a supplement with the Court that answers the following questions:

1. Has a COVID-19 vaccine been made available to prisoners generally at FCI Hazelton?
2. Have you been offered a COVID-19 vaccine? If so, which vaccine, and when was it offered to you?
3. If a vaccine was offered to you, did you agree to be vaccinated, or did you reject the offer to be vaccinated?
4. If you accepted the offer to be vaccinated, has the vaccine been administered to you? If so, how many doses of the vaccine have you received, and when were the doses administered?
5. Finally, if you agreed to be vaccinated but have not yet been vaccinated, when will the vaccine be administered to you?

Once the Court receives this supplemental information from Kennedy, it will rule on his motion.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 28, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 28, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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